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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	ElectraLED, Inc.		
Entity	Corporation	Citizenship	Florida
Address	12722 62nd Street North, Suite 200 Largo, FL 33733 UNITED STATES		

Attorney information	Jennifer M. Mikulina McDermott Will & Emery LLP 227 W. Monroe Street, Suite 4400 Chicago, IL 60606-5096 UNITED STATES lbalsan@mwe.com, jmikulina@mwe.com, psiavelis@mwe.com, cvcino@mwe.com Phone:312.984.2200
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Registration Subject to Cancellation

Registration No	3821307	Registration date	07/20/2010
Registrants	C&A Marketing 2 bergen Turnpike Ridgefield Park, NJ 07660 UNITED STATES Klein, Asher 44 Engleberg Terrace lakewood, NJ 08701 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2009/04/07 First Use In Commerce: 2009/04/07
All goods and services in the class are cancelled, namely: LED (light emitting diode) lighting fixtures

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	SOLAR ECLIPSE petition for cancellation.pdf (4 pages)(171857 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jennifer M. Mikulina/
Name	Jennifer M. Mikulina
Date	06/13/2011

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

ElectraLED, Inc.,

Petitioner,

v.

Asher Klein, an individual, and C&A
Marketing d/b/a DBRoth,

Respondents.

Cancellation No. _____

Registration No. 3821307

Registration Date: July 20, 2010

Mark: SOLAR ECLIPSE

PETITION FOR CANCELLATION

Petitioner ElectraLED, Inc., a Florida corporation, with its principal place of business located at 12722 62nd Street North; Suite 200; Largo, Florida 33733 (“Petitioner”), believes that it is, has been and will continue to be damaged by Registration No. 3821307, owned by Asher Klein, an individual, and C&A Marketing d/b/a DBRoth (together, “Respondents”, and hereby petitions the Trademark Trial and Appeal Board to cancel the same.

To the best of Petitioner’s knowledge, Respondents’ last known addresses were as follows:

Asher Klein:
44 Engleberg Terrace; Lakewood, New Jersey 08701

C&A Marketing d/b/a DBRoth:
2 Bergen Turnpike; Ridgefield Park, New Jersey 07660

Description of Respondents’ Registration: Respondents’ application for the SOLAR ECLIPSE mark was filed on December 7, 2009, claiming a first use date of April 7, 2009. On July 20, 2010, the U.S. Patent and Trademark Office issued Registration No. 3821307 for Respondents’ SOLAR ECLIPSE mark on the Principal Register for use in connection with “LED (light emitting diode) lighting fixtures” in International Class 11 (the “Registration”).

The grounds for this petition are as follows:

1. On February 1, 2010, Petitioner filed an application to register the ECLIPSE Logo trademark (Serial No. 77/924,961) for use in connection with “LED (light emitting diodes) lighting fixtures for use in display, commercial, industrial, and residential lighting applications” in Class 11.

2. On information and belief, there is no evidence that Respondents are using the SOLAR ECLIPSE trademark in connection with the goods listed in the Registration. Therefore, on information and belief, Respondents have abandoned the SOLAR ECLIPSE trademark registration.

3. Petitioner is likely to be damaged by continuance of the Registration in that Petitioner’s application for registration of its ECLIPSE Logo trademark has been refused based on Respondents’ prior registration of SOLAR ECLIPSE for goods that the Examining Attorney deemed to be related to the services identified in Petitioner’s application for ECLIPSE.

4. Because the Respondents’ Registration has been abandoned, it may be cancelled under 15 U.S.C. §1064(3) (Lanham Act §14(3)).

WHEREFORE, Petitioner therefore respectfully requests that the Trademark Trial and Appeal Board cancel Registration No. 3821307 pursuant to its powers under 15 U.S.C. § 1068.

Petitioner hereby appoints Jennifer M. Mikulina of the firm of McDermott Will & Emery LLP; 227 West Monroe Street, Suite 4400; Chicago, Illinois, 60606, as its attorney to prosecute this Petition, to transact all relevant business with the Trademark Trial and Appeal Board, the U.S. Patent and Trademark Office, and in the United States courts, and to receive all official communications in connection with this Petition for Cancellation.

Please address all correspondence and telephone inquiries to the undersigned attorney for the
Petitioner.

Respectfully submitted,

ElectraLED, Inc.

Date: June 13, 2011

By: /Jennifer M. Mikulina/

Jennifer M. Mikulina
Attorney for the Petitioner
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227 West Monroe Street; Suite 4400
Chicago, Illinois 60606-5096
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Facsimile: 312.984.7700
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Certificate of Service

I hereby certify that a true and complete copy of the foregoing Petition to Cancel has been served on Asher Klein and C&A Marketing d/b/a DBRoth by mailing said copy on June 13, 2011, via First Class Mail, postage prepaid to:

Asher Klein
44 Engleberg Terrace
Lakewood, New Jersey 08701

C&A Marketing d/b/a DBRoth
2 Bergen Turnpike
Ridgefield Park, New Jersey 07660

By: /Jennifer M. Mikulina/
Jennifer M. Mikulina